

REMARKS

Claim 6 has been amended. No new matter has been added. Claims 1-11 remain in the application. Reconsideration and reexamination is respectfully requested.

In paper 34, claims 1-11 were rejected under 35 USC § 103(a) as allegedly unpatentable over prior art discussed in the specification in view of "CD Recordable Handbook" by Parker and Starrett, and further in view of Japanese Patent Number 404095287 (Takahashi). Applicant traverses.

Claim 1 specifies a ring having a portion that covers the power calibration area, but not the data area. Claim 6, as amended, specifies shielding the power calibration area, but not the data area. The cited prior art, individually or in combination, do not teach or suggest covering or shielding the power calibration area, but not the data area.

The cited prior art other than Takahashi discloses the existence of the power calibration area. Takahashi discloses covering at least part of the recording area, but does not teach or suggest specifically covering the power calibration area but not the data area. The examiner states the general (existence of the power calibration area, and covering at least part of the recording area) and simply concludes the specific (covering just the power calibration area), without reference to any suggestion to combine or modify in the prior art, which does not meet the requirements of a *prima facie* case for obviousness. From MPEP 2143.01: The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). From MPEP 2143.01: The level of skill in the art cannot be relied upon to provide the suggestion to combine references. *Al-Site Corp. v. VSI Int'l Inc.*, 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999).

Claim 5 specifies a tool to abrade the power calibration area. The cited prior art, individually or in combination, do not teach or suggest permanent destruction of the power calibration area, or a tool to abrade the power calibration area. Note that Takahashi states that seal 8 may be peeled away when it is needed to rewrite in the optical disk memory main body 1.

Entry of this amendment is respectfully requested. This application is considered to be in condition for allowance and such action is earnestly solicited.

Respectfully submitted,

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